

House File 2465 - Reprinted

HOUSE FILE 2465

BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO HSB 674)

(As Amended and Passed by the House April 10, 2012)

A BILL FOR

- 1 An Act relating to state and local finances by making
- 2 and adjusting appropriations, providing for legal
- 3 responsibilities, and providing for properly related
- 4 matters, and including effective date and retroactive and
- 5 other applicability provisions.
- 6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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DIVISION I

STANDING APPROPRIATIONS AND RELATED MATTERS

Section 1. GENERAL ASSEMBLY. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and the legislative agencies for the fiscal year beginning July 1, 2012, and ending June 30, 2013, are reduced by the following amount:

..... \$ 2,150,000

Sec. 2. 2011 Iowa Acts, chapter 131, section 42, is amended to read as follows:

SEC. 42. LIMITATION OF STANDING APPROPRIATIONS.

Notwithstanding the standing appropriations in the following designated sections for the fiscal year beginning July 1, 2012, and ending June 30, 2013, the amounts appropriated from the general fund of the state pursuant to these sections for the following designated purposes shall not exceed the following amounts:

1. For operational support grants and community cultural grants under section 99F.11, subsection 3, paragraph "d", subparagraph (1):

..... \$ 208,351
374,615

2. For regional tourism marketing under section 99F.11, subsection 3, paragraph "d", subparagraph (2):

..... \$ 405,153
728,465

~~3. For the center for congenital and inherited disorders central registry under section 144.13A, subsection 4, paragraph "a":~~

~~..... \$ 85,560~~

4. For primary and secondary child abuse prevention programs under section 144.13A, subsection 4, paragraph "a":

..... \$ 108,886
232,500

5. For programs for at-risk children under section 279.51:

1 \$ ~~5,364,446~~
 2 9,645,273

3 The amount of any reduction in this subsection shall be
 4 prorated among the programs specified in section 279.51,
 5 subsection 1, paragraphs "a", "b", and "c".

6 6. For payment for nonpublic school transportation under
 7 section 285.2:

8 \$ 7,060,931

9 If total approved claims for reimbursement for nonpublic
 10 school pupil transportation exceed the amount appropriated in
 11 accordance with this subsection, the department of education
 12 shall prorate the amount of each approved claim.

13 7. For the enforcement of chapter 453D relating to tobacco
 14 product manufacturers under section 453D.8:

15 \$ ~~9,208~~
 16 16,556

17 8. For the Iowa resources enhancement and protection fund
 18 under section 455A.18:

19 \$ 12,000,000

20 DIVISION II

21 MISCELLANEOUS PROVISIONS AND APPROPRIATIONS

22 Sec. 3. TRANSFER OF MONEYS TO THE TAXPAYERS TRUST FUND
 23 — FY 2011-2012. Notwithstanding section 8.55, subsection
 24 2, paragraph "a", or any other provision to the contrary,
 25 all moneys in excess of the maximum balance in the economic
 26 emergency fund after the distribution of the surplus in the
 27 general fund of the state at the conclusion of the fiscal year
 28 beginning July 1, 2011, and ending June 30, 2012, shall be
 29 transferred to the taxpayers trust fund created in section
 30 8.57E. Except for temporary cash flow purposes, moneys in
 31 the taxpayers trust fund shall only be used in accordance
 32 with appropriations made for purposes of providing tax relief
 33 for personal income tax reduction, homeowner property tax
 34 reduction, or sales tax reduction.

35 Sec. 4. Section 97B.52A, subsection 1, paragraph c,

1 subparagraph (2), subparagraph division (b), Code 2011, is
2 amended to read as follows:

3 (b) For a member whose first month of entitlement is July
4 2004 or later, but before July ~~2012~~ 2014, covered employment
5 does not include employment as a licensed health care
6 professional by a public hospital as defined in section 249J.3,
7 with the exception of public hospitals governed pursuant to
8 chapter 226.

9 Sec. 5. Section 256C.4, subsection 1, Code 2011, is amended
10 by adding the following new paragraphs:

11 NEW PARAGRAPH. *g.* For the fiscal year beginning July
12 1, 2011, and each succeeding fiscal year, of the amount of
13 preschool foundation aid received by a school district for
14 a fiscal year in accordance with section 257.16, not more
15 than five percent may be used by the school district for
16 administering the district's approved local program.

17 NEW PARAGRAPH. *h.* For the fiscal year beginning July
18 1, 2012, and each succeeding fiscal year, of the amount of
19 preschool foundation aid received by a school district for a
20 fiscal year in accordance with section 257.16, not less than
21 ninety-five percent of the per pupil amount shall be passed
22 through to a community-based provider for each pupil enrolled
23 in the district's approved local program. For the fiscal year
24 beginning July 1, 2011, and each succeeding fiscal year, not
25 more than five percent of the amount of preschool foundation
26 aid passed through to a community-based provider may be used by
27 the community-based provider for administrative costs.

28 Sec. 6. Section 257.35, subsection 7, Code Supplement 2011,
29 is amended to read as follows:

30 7. Notwithstanding subsection 1, and in addition to the
31 reduction applicable pursuant to subsection 2, the state aid
32 for area education agencies and the portion of the combined
33 district cost calculated for these agencies for the fiscal year
34 beginning July 1, 2012, and ending June 30, 2013, shall be
35 reduced by the department of management by ~~ten~~ twenty million

1 dollars. The reduction for each area education agency shall be
2 prorated based on the reduction that the agency received in the
3 fiscal year beginning July 1, 2003.

4 Sec. 7. Section 260C.14, Code 2011, is amended by adding the
5 following new subsection:

6 NEW SUBSECTION. 23. a. Adopt rules to waive tuition and
7 mandatory fee charges for any student in good standing who is
8 a resident of Iowa; is under the age of twenty-six, or under
9 the age of thirty if the student is a qualified veteran as
10 defined in subsection 14; is not a convicted felon as defined
11 in section 910.15; and meets any of the following criteria:

12 (1) Is the child of a peace officer, as defined in section
13 97A.1, who was killed in the line of duty as determined by
14 the board of trustees of the Iowa department of public safety
15 peace officers' retirement, accident, and disability system in
16 accordance with section 97A.6, subsection 16.

17 (2) Is the child of a police officer, as defined in section
18 411.1, who was killed in the line of duty as determined by the
19 statewide fire and police retirement system in accordance with
20 section 411.6, subsection 15.

21 (3) Is the child of a sheriff or deputy sheriff as defined
22 in section 97B.49C, who was killed in the line of duty as
23 determined by the Iowa public employees' retirement system in
24 accordance with section 97B.52, subsection 2.

25 b. If a student who meets the criteria pursuant to paragraph
26 "a" receives financial aid under any other federal, state,
27 or institutional scholarship or grant program, the full
28 amount of the other financial aid shall be applied to the
29 student's expenses first and shall be considered part of the
30 student's available financial resources in determining the
31 amount of tuition and mandatory fee charges to be waived under
32 this subsection. The total financial aid for the student's
33 education, including financial aid under any other program,
34 shall not exceed the student's cost of attendance at the
35 community college in which the student is enrolled.

1 *c.* Notwithstanding section 261.20, a community college
2 waiving tuition and mandatory fees in accordance with this
3 subsection may request from the college student aid commission
4 and the governor a transfer of moneys from the scholarship and
5 tuition grant reserve fund in the manner provided in section
6 261.20, subsection 3, in an amount equivalent to the amount of
7 tuition and mandatory fees waived by the community college for
8 the fiscal year.

9 Sec. 8. Section 262.9, Code Supplement 2011, is amended by
10 adding the following new subsection:

11 NEW SUBSECTION. 36. *a.* Adopt rules that require the
12 institutions of higher education under its control to waive
13 tuition and mandatory fee charges for any undergraduate student
14 in good standing who is a resident of Iowa; is under the age
15 of twenty-six, or under the age of thirty if the student is
16 a qualified veteran as defined in subsection 17; is not a
17 convicted felon as defined in section 910.15; and meets any of
18 the following criteria:

19 (1) Is the child of a peace officer, as defined in section
20 97A.1, who was killed in the line of duty as determined by
21 the board of trustees of the Iowa department of public safety
22 peace officers' retirement, accident, and disability system in
23 accordance with section 97A.6, subsection 16.

24 (2) Is the child of a police officer, as defined in section
25 411.1, who was killed in the line of duty as determined by the
26 statewide fire and police retirement system in accordance with
27 section 411.6, subsection 15.

28 (3) Is the child of a sheriff or deputy sheriff as defined
29 in section 97B.49C, who was killed in the line of duty as
30 determined by the Iowa public employees' retirement system in
31 accordance with section 97B.52, subsection 2.

32 *b.* If a student who meets the criteria pursuant to
33 paragraph "a" receives financial aid under any other federal,
34 state, or institutional scholarship or grant program, the
35 full amount of the other financial aid shall be applied to

1 the student's expenses first and shall be considered part of
 2 the student's available financial resources in determining
 3 the amount of tuition and mandatory fee charges to be waived
 4 under this subsection. The total financial aid for the
 5 student's education, including financial aid under any other
 6 program, shall not exceed the student's cost of attendance at
 7 the institution of higher education in which the student is
 8 enrolled.

9 *c.* Notwithstanding section 261.20, an institution of
 10 higher education waiving tuition and mandatory fees in
 11 accordance with this subsection may request from the college
 12 student aid commission and the governor a transfer of moneys
 13 from the scholarship and tuition grant reserve fund in the
 14 manner provided in section 261.20, subsection 3, in an amount
 15 equivalent to the amount of tuition and mandatory fees waived
 16 by the institution for the fiscal year.

17 Sec. 9. Section 284.6, subsection 8, Code Supplement 2011,
 18 is amended to read as follows:

19 8. *a.* For each year in which a school district and an
 20 area education agency receives funds calculated and paid to
 21 school districts and area education agencies for professional
 22 development pursuant to section 257.10, subsection 10, ~~or~~
 23 and section 257.37A, subsection 2, the school district and
 24 area education agency shall create quality professional
 25 development opportunities. The goal for the use of the funds
 26 is to provide one additional contract day or the equivalent
 27 thereof for professional development and use of the funds is
 28 limited to providing professional development to teachers,
 29 including additional salaries for time beyond the normal
 30 negotiated agreement; pay for substitute teachers, professional
 31 development materials, speakers, and professional development
 32 content; and costs associated with implementing the individual
 33 professional development plans. The use of the funds shall
 34 be balanced between school district, attendance center, and
 35 individual professional development plans, or area education

1 agency and individual professional development plans, as
2 appropriate, making every reasonable effort to provide equal
3 access to all teachers.

4 b. Each school district and area education agency receiving
5 funds under section 257.10, subsection 10, or section 257.37A,
6 subsection 2, shall set aside up to three percent of such
7 funds for purposes of compensating substitute teachers to
8 temporarily replace teachers who are employed by accredited
9 nonpublic schools located within the school district and area
10 education boundaries and who are required to receive Iowa
11 core curriculum professional development provided elsewhere
12 than on accredited nonpublic school property. The substitute
13 teacher shall be employed to teach only coursework that is
14 nonsectarian. Funds set aside by a school district and area
15 education agency pursuant to this paragraph shall be paid on
16 a prorated basis to the area education agency providing the
17 Iowa core curriculum professional development to the accredited
18 nonpublic school teacher. The proration shall be based upon
19 the amount of the professional development funds calculated and
20 paid to the school district under section 257.10, subsection
21 10, and the amount of the professional development funds
22 calculated and paid to the area education agency under section
23 257.37A, subsection 2. The area education agency providing
24 the professional development to an accredited nonpublic
25 school teacher pursuant to this paragraph shall reimburse
26 the accredited nonpublic school for the compensation of the
27 substitute teacher from the professional development funds
28 available to the agency pursuant to this paragraph. If three
29 percent of such funds identified in this paragraph are expended
30 by school districts and area education agencies, this paragraph
31 requires no further reimbursements.

32 Sec. 10. REPEAL. 2012 Iowa Acts, House File 2168, section
33 5, is repealed.

34 Sec. 11. EFFECTIVE UPON ENACTMENT. The following
35 provision or provisions of this Act, being deemed of immediate

1 importance, take effect upon enactment:

2 1. The section of this Act providing for transfer of moneys
3 to the taxpayers trust fund.

4 2. The section of this Act enacting section 256C.4,
5 subsection 1, paragraphs "g" and "h".

6 DIVISION III

7 STATE EMPLOYEE AND ELECTED OFFICIAL PAYMENT OF HEALTH INSURANCE
8 PREMIUMS

9 Sec. 12. Section 2.40, subsection 1, paragraph a,
10 subparagraph (2), Code 2011, is amended to read as follows:

11 (2) The member shall pay the premium for the plan selected
12 on the same basis as a full-time state employee excluded from
13 collective bargaining as provided in chapter 20. However, the
14 member shall pay a portion of the total premium for the plan
15 selected in an amount as determined by the legislative council.
16 The payment amount as determined by the legislative council
17 shall be at least twenty-five percent of the total premium
18 for the single or family coverage provided in connection with
19 the member. The payment amount determined by the legislative
20 council shall apply to employees of the general assembly.

21 Sec. 13. NEW SECTION. **8A.440 Group health insurance premium**
22 **costs.**

23 1. Collective bargaining agreements entered into pursuant
24 to chapter 20 for state employees shall provide that a state
25 employee covered by that agreement who is a member of a
26 state group health insurance plan for employees of the state
27 established under chapter 509A shall pay at least twenty-five
28 percent of the total premium for the single or family coverage
29 provided in connection with each employee.

30 2. A state employee not covered by a collective bargaining
31 agreement as provided in chapter 20 who is a member of a
32 state group health insurance plan for employees of the state
33 established under chapter 509A shall pay the same percentage
34 of the total premium for such insurance as is paid under the
35 collective bargaining agreement that covers the greatest number

1 of state employees in the state government entity employing the
2 state employee.

3 Sec. 14. STATEWIDE ELECTED OFFICIALS — GROUP HEALTH
4 INSURANCE PREMIUM COSTS. A statewide elected official who is
5 a member of a state group insurance plan for employees of the
6 state established under chapter 509A shall pay a portion of the
7 total premium for the plan selected in an amount as determined
8 by the executive council. The payment amount as determined by
9 the executive council shall be at least twenty-five percent of
10 the total premium for the single or family coverage provided in
11 connection with the elected official.

12 Sec. 15. GROUP HEALTH INSURANCE PREMIUMS FOR STATE
13 EMPLOYEES.

14 1. a. This subsection does not apply to members of the
15 general assembly or elected officials who are subject to the
16 provisions of this division of this Act amending section 2.40
17 or requiring statewide elected officials to pay a portion of
18 health insurance premiums.

19 b. For the fiscal year beginning July 1, 2012, each state
20 employee who is a member of a state group health insurance plan
21 for state employees established under chapter 509A shall pay at
22 least 25 percent of the total premium for the single or family
23 coverage provided in connection with the employee's membership
24 in the insurance plan.

25 c. For the fiscal year beginning July 1, 2012, each person
26 who is a member of a state group health insurance plan for
27 employees of the state board of regents and the institutions
28 under the control of the state board shall pay at least 25
29 percent of the total premium for the single or family coverage
30 provided in connection with the person's membership in the
31 insurance plan.

32 d. For the fiscal year beginning July 1, 2012, each judicial
33 officer or employee of the judicial branch who is a member
34 of a state group health insurance plan for state employees
35 established under chapter 509A shall pay at least 25 percent of

1 the total premium for the single or family coverage provided in
2 connection with the judicial officer or employee's membership
3 in the insurance plan.

4 e. The requirements in this subsection shall be enforceable
5 against all applicable employees for the fiscal year beginning
6 July 1, 2012, notwithstanding any provision of chapter 20 to
7 the contrary, and shall remain applicable to each such state
8 employee and person in fiscal years succeeding the fiscal year
9 specified in this subsection until the requirement implemented
10 pursuant to section 8A.440 is applicable to the employee or
11 person.

12 2. a. For the fiscal year beginning July 1, 2012,
13 the portion of the payments made pursuant to subsection
14 1 attributed to increases in payments as a result of the
15 percentage requirement implemented pursuant to subsection 1
16 shall be transferred to the judicial branch or the state agency
17 charged for the state group health insurance plan premiums of
18 the judicial officer, employee, or person who made the payment
19 in lieu of a like amount from the appropriations made to the
20 judicial branch or the state agency for the fiscal year.

21 b. The moneys paid by members or employees of the general
22 assembly pursuant to section 2.40, as amended by this division
23 of this Act, for the fiscal year beginning July 1, 2012, are
24 appropriated to the general assembly in lieu of a like amount
25 from the appropriations made to the general assembly pursuant
26 to section 2.12, for the fiscal year.

27 c. The moneys paid by statewide elected officials pursuant
28 to the section of this division of this Act requiring the
29 officials to pay a portion of the health insurance premium
30 costs for the coverage provided to the officials, for the
31 fiscal year beginning July 1, 2012, are appropriated to the
32 state agency charged for the state group health insurance plan
33 premiums of the official who made the payment in lieu of a like
34 amount from the appropriations made to the state agency for the
35 fiscal year.

1 3. The department of management, with the assistance of the
2 department of administrative services, state board of regents,
3 the state fair board, the state department of transportation,
4 and each judicial district department of correctional services,
5 shall submit a quarterly report to the general assembly and the
6 legislative services agency during the fiscal year beginning
7 July 1, 2012, regarding the reductions to appropriations made
8 pursuant to subsection 2 during the quarter.

9 Sec. 16. APPLICABILITY. The section of this division
10 of this Act enacting section 8A.440, applies to collective
11 bargaining agreements entered into on or after the effective
12 date of that section of this division of this Act.

13 Sec. 17. EFFECTIVE UPON ENACTMENT. The following sections
14 of this division of this Act, being deemed of immediate
15 importance, take effect upon enactment:

16 1. The section of this Act enacting section 8A.440.

17 2. The section of this Act relating to group health
18 insurance premiums for state employees.

19 DIVISION IV

20 CORRECTIVE PROVISIONS

21 Sec. 18. Section 9B.2, subsection 10, paragraph a, if
22 enacted by 2012 Iowa Acts, Senate File 2265, section 2, is
23 amended to read as follows:

24 a. "*Personal appearance*" means an act of a party to
25 physically appear within the presence of a ~~notary public~~
26 notarial officer at the time the ~~notarization occurs~~ notarial
27 act is performed.

28 Sec. 19. Section 105.2, subsection 8, Code Supplement 2011,
29 as amended by 2012 Iowa Acts, House File 2285, section 1, if
30 enacted, is amended to read as follows:

31 8. "*Hydronic*" means a heating or cooling system that
32 transfers heating or cooling by circulating fluid through
33 a closed system, including boilers, pressure vessels,
34 refrigerated equipment in connection with chilled water
35 systems, all steam piping, hot or chilled water piping together

1 with all control devices and accessories, installed as part
 2 of, or in connection with, any heating or cooling system or
 3 appliance whose primary purpose is to provide comfort using
 4 a liquid, water, or steam as the heating or cooling media.
 5 "Hydronic" includes all low-pressure and high-pressure systems
 6 and all natural, propane, liquid propane, or other gas lines
 7 associated with any component of a hydronic system. For
 8 purposes of this definition, "*primary purpose is to provide*
 9 *comfort*" means a system or appliance in which at least fifty-one
 10 percent of the capacity generated by its operation, on an
 11 annual average, is dedicated to comfort heating or cooling.

12 Sec. 20. Section 135.156E, subsection 1, paragraph b, if
 13 enacted by 2012 Iowa Acts, Senate File 2318, section 14, is
 14 amended to read as follows:

15 b. Require authentication controls to verify the ~~identify~~
 16 identity and role of the participant using the Iowa health
 17 information network.

18 Sec. 21. Section 135C.6, subsection 8, paragraphs a and
 19 b, Code 2011, as amended by 2012 Iowa Acts, Senate File 2247,
 20 section 15, are amended to read as follows:

21 a. Residential programs providing care to not more than
 22 four individuals and receiving moneys appropriated to the
 23 department of human services under provisions of a federally
 24 approved home and community-based services waiver for persons
 25 with an intellectual ~~disabilities~~ disability or other medical
 26 assistance program under chapter 249A. In approving a
 27 residential program under this paragraph, the department of
 28 human services shall consider the geographic location of the
 29 program so as to avoid an overconcentration of such programs
 30 in an area. In order to be approved under this paragraph,
 31 a residential program shall not be required to involve the
 32 conversion of a licensed residential care facility for persons
 33 with an intellectual disability.

34 b. Not more than forty residential care facilities for
 35 persons with an intellectual disability that are licensed

1 to serve not more than five individuals may be authorized
 2 by the department of human services to convert to operation
 3 as a residential program under the provisions of a medical
 4 assistance home and community-based services waiver for persons
 5 with an intellectual disabilities disability. A converted
 6 residential program operating under this paragraph is subject
 7 to the conditions stated in paragraph "a" except that the
 8 program shall not serve more than five individuals.

9 Sec. 22. Section 144D.3, subsection 4, as enacted by 2012
 10 Iowa Acts, House File 2165, section 4, is amended to read as
 11 follows:

12 4. In the absence of actual notice of the revocation
 13 of a POST form, a health care provider, hospital, health
 14 care facility, or any other person who complies with a POST
 15 form shall not be subject to civil or criminal liability or
 16 professional disciplinary action for actions taken under
 17 this chapter which are in accordance with reasonable medical
 18 standards. A health care provider, hospital, health care
 19 facility, or other person against whom criminal or civil
 20 liability or professional disciplinary action is asserted
 21 because of conduct in compliance with this chapter may
 22 interpose the restriction on liability in this ~~paragraph~~
 23 subsection as an absolute defense.

24 Sec. 23. Section 152B.2, subsection 1, paragraph a,
 25 subparagraph (2), Code 2011, as amended by 2012 Iowa Acts,
 26 Senate File 2248, section 2, if enacted, is amended to read as
 27 follows:

28 (2) Direct and indirect respiratory care services including
 29 but not limited to the administration of pharmacological and
 30 diagnostic and therapeutic agents related to respiratory
 31 care procedures necessary to implement a treatment, disease
 32 prevention, pulmonary rehabilitative, or diagnostic regimen
 33 prescribed by a licensed physician, or surgeon, or a qualified
 34 health care professional prescriber.

35 Sec. 24. Section 152B.3, subsection 1, unnumbered paragraph

1 1, Code 2011, as amended by 2012 Iowa Acts, Senate File 2248,
2 section 5, if enacted, is amended to read as follows:

3 The performance of respiratory care shall be in accordance
4 with the prescription of a licensed physician ~~or~~ or surgeon ~~or~~
5 a qualified health care professional prescriber and includes
6 but is not limited to the diagnostic and therapeutic use of the
7 following:

8 Sec. 25. Section 152B.3, subsection 2, Code 2011, as amended
9 by 2012 Iowa Acts, Senate File 2248, section 6, if enacted, is
10 amended to read as follows:

11 2. A respiratory care practitioner may transcribe and
12 implement a written or verbal order from a licensed physician ~~or~~
13 or surgeon ~~or~~ a qualified health care professional prescriber
14 pertaining to the practice of respiratory care.

15 Sec. 26. Section 152B.4, Code 2011, as amended by 2012 Iowa
16 Acts, Senate File 2248, section 7, if enacted, is amended to
17 read as follows:

18 **152B.4 Location of respiratory care.**

19 The practice of respiratory care may be performed in a
20 hospital as defined in section 135B.1, subsection 3, and other
21 settings where respiratory care is to be provided in accordance
22 with a prescription of a licensed physician ~~or~~ or surgeon ~~or~~ a
23 qualified health care professional prescriber. Respiratory
24 care may be provided during transportation of a patient and
25 under circumstances where an emergency necessitates respiratory
26 care.

27 Sec. 27. Section 161A.63, Code 2011, as amended by 2012 Iowa
28 Acts, Senate File 2311, section 16, if enacted, is amended to
29 read as follows:

30 **161A.63 Right of purchaser of agricultural land to obtain**
31 **information.**

32 A prospective purchaser of an interest in agricultural land
33 located in this state is entitled to obtain from the seller,
34 or from the office of the soil and water conservation district
35 in which the land is located, a copy of the most recently

1 updated farm unit soil conservation plan, developed pursuant
 2 to section 161A.62, subsection 2, which ~~are~~ is applicable to
 3 the agricultural land proposed to be purchased. A prospective
 4 purchaser of an interest in agricultural land located in this
 5 state is entitled to obtain additional copies ~~of either or both~~
 6 of the ~~documents~~ document referred to in this section from the
 7 office of the soil and water conservation district in which
 8 the land is located, promptly upon request, at a fee not to
 9 exceed the cost of reproducing them. All persons who identify
 10 themselves to the commissioners or staff of a soil and water
 11 conservation district as prospective purchasers of agricultural
 12 land in the district shall be given information, prepared in
 13 accordance with rules of the department, which clearly explains
 14 the provisions of section 161A.76.

15 Sec. 28. Section 203C.14, Code 2011, as amended by 2012 Iowa
 16 Acts, Senate File 2311, section 107, if enacted, is amended to
 17 read as follows:

18 **203C.14 Suit — claims — notice of revocation.**

19 1. A person injured by the breach of an obligation of a
 20 warehouse operator, for the performance of which a bond on
 21 agricultural products other than bulk grain, a deficiency
 22 bond, or an irrevocable letter of credit has been given under
 23 any of the provisions of this chapter, may sue on the bond on
 24 agricultural products other than bulk grain, deficiency bond,
 25 or irrevocable letter of credit in the person's own name in
 26 a court of competent jurisdiction to recover any damages the
 27 person has sustained by reason of the breach.

28 2. a. Upon the cessation of a warehouse operator's license
 29 due to revocation, cancellation, or expiration, a claim against
 30 the warehouse operator arising under this chapter shall be
 31 made in writing with the warehouse operator, with the issuer
 32 of a bond on agricultural products other than bulk grain, a
 33 deficiency bond, or an irrevocable letter of credit, and, if
 34 the claim relates to bulk grain, with the department. The
 35 claim must be made within one hundred twenty days after the

1 cessation of the license. The failure to make a timely claim
 2 relieves the issuer and, if the claim relates to bulk grain,
 3 the grain depositors and sellers indemnity fund provided in
 4 chapter 203D of all obligations to the claimant.

5 3. b. Upon revocation of a warehouse license, the
 6 department shall cause notice of the revocation to be published
 7 once each week for two consecutive weeks in a newspaper of
 8 general circulation in each of the counties in which the
 9 licensee maintains a business location and in a newspaper
 10 of general circulation within the state. The notice shall
 11 state the name and address of the warehouse operator and the
 12 effective date of revocation. The notice shall also state that
 13 any claims against the warehouse operator shall be made in
 14 writing and sent by ordinary mail to the warehouse operator, to
 15 the issuer of a bond on agricultural products other than bulk
 16 grain, deficiency bond, or an irrevocable letter of credit,
 17 and to the department within one hundred twenty days after
 18 revocation, and the notice shall state that the failure to make
 19 a timely claim does not relieve the warehouse operator from
 20 liability to the claimant.

21 c. This ~~paragraph~~ subsection does not apply if a receiver is
 22 appointed as provided in this chapter pursuant to a petition
 23 which is filed by the department prior to the expiration of
 24 one hundred twenty days after ~~revocation, termination, or~~
 25 ~~cancellation~~ cessation of the license.

26 Sec. 29. Section 249A.12, subsection 5, paragraph a,
 27 unnumbered paragraph 1, Code 2011, as amended by 2012 Iowa
 28 Acts, Senate File 2247, section 101, is amended to read as
 29 follows:

30 The mental health and disability services commission shall
 31 recommend to the department the actions necessary to assist in
 32 the transition of individuals being served in an intermediate
 33 care facility for persons with an intellectual disability,
 34 who are appropriate for the transition, to services funded
 35 under a medical assistance home and community-based services

1 waiver for persons with an intellectual disability in a
2 manner which maximizes the use of existing public and private
3 facilities. The actions may include but are not limited to
4 submitting any of the following or a combination of any of the
5 following as a request for a revision of the medical assistance
6 home and community-based services waiver for persons with an
7 intellectual ~~disabilities~~ disability:

8 Sec. 30. Section 273.2, subsection 3, Code Supplement 2011,
9 as amended by 2012 Iowa Acts, Senate File 2203, section 38, if
10 enacted, is amended to read as follows:

11 3. The area education agency board shall furnish
12 educational services and programs as provided in ~~sections~~
13 section 273.1, this section, sections 273.3 to 273.9, and
14 chapter 256B to the pupils enrolled in public or nonpublic
15 schools located within its boundaries which are on the list of
16 accredited schools pursuant to section 256.11. The programs
17 and services provided shall be at least commensurate with
18 programs and services existing on July 1, 1974. The programs
19 and services provided to pupils enrolled in nonpublic schools
20 shall be comparable to programs and services provided to pupils
21 enrolled in public schools within constitutional guidelines.

22 Sec. 31. Section 321.188, subsection 6, paragraph c, if
23 enacted by 2012 Iowa Acts, House File 2403, section 1, is
24 amended to read as follows:

25 c. An applicant who obtains a skills test waiver under this
26 subsection shall take and successfully pass the knowledge test
27 required pursuant to subsection 2 1.

28 Sec. 32. Section 321.323A, subsection 3, paragraph c,
29 subparagraph (1), if enacted by 2012 Iowa Acts, House File
30 2228, section 3, is amended to read as follows:

31 (1) For a violation causing damage to the property of
32 another person, but not resulting in bodily injury to or
33 death of ~~to~~ another person, the department shall suspend the
34 violator's driver's license or operating privileges for ninety
35 days.

1 Sec. 33. Section 321.457, subsection 2, paragraph n,
2 subparagraph (4), if enacted by 2012 Iowa Acts, House File
3 2428, section 1, is amended to read as follows:

4 (4) For purposes of this paragraph "n", "full trailer" means
5 as defined in 49 C.F.R. § ~~390~~ 390.5.

6 Sec. 34. Section 322.5, subsection 6, paragraph b,
7 subparagraph (2), if enacted by 2012 Iowa Acts, Senate File
8 2249, section 4, is amended to read as follows:

9 (2) The state in which the person is licensed as a motor
10 vehicle dealer allows a motor vehicle dealer licensed in Iowa
11 to be issued a permit substantially similar to the temporary
12 permit authorized under this ~~section~~ subsection.

13 Sec. 35. Section 326.3, subsection 19, if enacted by 2012
14 Iowa Acts, Senate File 2216, section 19, is amended to read as
15 follows:

16 19. "Operational records" means source documents that
17 evidence distance traveled by a fleet in each member
18 jurisdiction, such as ~~fuel~~ fuel reports, trip sheets, and
19 driver logs, including those which may be generated through
20 on-board devices and maintained electronically, as required by
21 the audit procedures manual.

22 Sec. 36. Section 418.4, subsection 1, paragraph b, if
23 enacted by 2012 Iowa Acts, Senate File 2217, section 5, is
24 amended to read as follows:

25 b. A governmental entity as defined in section 418.1,
26 subsection 4, paragraph "c", shall have the power to construct,
27 acquire, own, repair, improve, operate, and maintain a project,
28 may sue and be sued, contract, and acquire and hold real and
29 personal property, subject to the limitation in paragraph
30 "c", and shall have such other powers as may be included
31 in the chapter 28E agreement. Such a governmental entity
32 may contract with a city or the county participating in the
33 chapter 28E agreement to perform any governmental service,
34 activity, or undertaking that the city or county is authorized
35 by law to perform, including but not limited to contracts for

1 administrative services.

2 Sec. 37. Section 418.5, subsection 7, if enacted by 2012
3 Iowa Acts, Senate File 2217, section 6, is amended to read as
4 follows:

5 7. A majority of the ~~board~~ voting members constitutes a
6 quorum.

7 Sec. 38. Section 418.9, subsection 2, paragraph g, if
8 enacted by 2012 Iowa Acts, Senate File 2217, section 10, is
9 amended to read as follows:

10 g. Whether the project plan is consistent with the
11 applicable comprehensive, ~~countywide~~ emergency operations plan
12 in effect and other applicable local hazard mitigation plans.

13 Sec. 39. Section 504.719, subsection 3, as enacted by 2012
14 Iowa Acts, Senate File 2260, section 8, is amended to read as
15 follows:

16 3. An inspector may, but is not required to, be a director,
17 ~~member of a designated body~~, member, officer, or employee of
18 the corporation. A person who is a candidate for an office
19 to be filled at the meeting shall not be an inspector at that
20 meeting.

21 Sec. 40. Section 508.37, subsection 5, paragraph c, Code
22 2011, as amended by 2012 Iowa Acts, Senate File 2203, section
23 105, if enacted, is amended to read as follows:

24 c. The adjusted premiums for a policy providing term
25 insurance benefits by rider or supplemental policy provision
26 shall be equal to (1) the adjusted premiums for an otherwise
27 similar policy issued at the same age without such term
28 insurance benefits, increased during the period for which
29 premiums for such term insurance benefits are payable,
30 by (2) the adjusted premiums for such term insurance, the
31 foregoing items (1) and (2) being calculated separately and
32 as specified in paragraphs "a" and "b" of this subsection
33 except that, for the purposes of ~~of~~ paragraph "a", subparagraph
34 (1), subparagraph divisions (b), (c), and (d), the amount of
35 insurance or equivalent uniform amount of insurance used in

1 the calculation of the adjusted premiums referred to in item
2 (2) in this paragraph shall be equal to the excess of the
3 corresponding amount determined for the entire policy over the
4 amount used in the calculation of the adjusted premiums in item
5 (1) in this paragraph.

6 Sec. 41. Section 515I.1, subsection 2, if enacted by 2012
7 Iowa Acts, House File 2145, section 1, is amended to read as
8 follows:

9 2. This ~~division~~ chapter shall be liberally construed to
10 promote these purposes.

11 Sec. 42. Section 536A.10, Code 2011, as amended by 2012 Iowa
12 Acts, Senate File 2203, section 139, if enacted, is amended to
13 read as follows:

14 **536A.10 Issuance of license.**

15 1. If The superintendent shall approve the application and
16 issue to the applicant a license to engage in the industrial
17 loan business in accordance with the provisions of this
18 chapter, if the superintendent shall find:

19 a. That the financial responsibility, experience, character
20 and general fitness of the applicant and of the officers
21 thereof are such as to command the confidence of the community,
22 and to warrant the belief that the business will be operated
23 honestly, fairly and efficiently within the purpose of this
24 chapter;

25 b. That a reasonable necessity exists for a new industrial
26 loan company in the community to be served;

27 c. That the applicant has available for the operation of the
28 business at the specified location paid-in capital and surplus
29 as required by section 536A.8; and

30 d. That the applicant is a corporation organized for
31 pecuniary profit under the laws of the state of Iowa.

32 2. ~~The superintendent shall approve the application and~~
33 ~~issue to the applicant a license to engage in the industrial~~
34 ~~loan business in accordance with the provisions of this~~
35 ~~chapter.~~ The superintendent shall approve or deny an

1 application for a license within one hundred twenty days from
2 the date of the filing of such application.

3 Sec. 43. Section 602.9202, subsection 4, Code 2011, as
4 amended by 2012 Iowa Acts, Senate File 2285, section 106, is
5 amended to read as follows:

6 4. "*Senior judge retirement age*" means seventy-eight years
7 of age or, if the senior judge is reappointed as a senior judge
8 for an additional one-year term upon attaining seventy-eight
9 years of age, and then to a succeeding one-year term, pursuant
10 to section 602.9203, eighty years of age.

11 Sec. 44. Section 617.11, subsection 3, unnumbered paragraph
12 1, if enacted by 2012 Iowa Acts, House File 2370, section 1, is
13 amended to read as follows:

14 If a claim of interest against the property is acquired prior
15 to the indexing of a petition or municipal infraction citation
16 affecting real estate and filed by a city and such claim is
17 not indexed or filed of record prior to the indexing of the
18 petition or citation, it is subject to the pending action
19 as provided in subsection 1, unless either of the following
20 occurs:

21 Sec. 45. EFFECTIVE DATE. The section of this division of
22 this Act amending section 9B.2, subsection 10, paragraph a,
23 takes effect January 1, 2013.

24 Sec. 46. EFFECTIVE UPON ENACTMENT. The section of this
25 division of this Act amending section 105.2, subsection
26 8, being deemed of immediate importance, takes effect upon
27 enactment.

28 Sec. 47. RETROACTIVE APPLICABILITY. The section of this
29 division of this Act amending section 105.2, subsection 8,
30 applies retroactively to the effective date of 2012 Iowa Acts,
31 House File 2285.

32 Sec. 48. EFFECTIVE UPON ENACTMENT. The section of this
33 division of this Act amending section 135.156E, subsection 1,
34 paragraph b, being deemed of immediate importance, takes effect
35 upon enactment.

1 Sec. 49. RETROACTIVE APPLICABILITY. The section of this
2 division of this Act amending section 135.156E, subsection 1,
3 paragraph b, applies retroactively to the effective date of
4 2012 Iowa Acts, Senate File 2318.

5 Sec. 50. EFFECTIVE UPON ENACTMENT. The section of this
6 division of this Act amending section 322.5, subsection 6,
7 paragraph "b", subparagraph (2), being deemed of immediate
8 importance, takes effect upon enactment.

9 Sec. 51. RETROACTIVE APPLICABILITY. The section of this
10 division of this Act amending section 322.5, subsection 6,
11 paragraph "b", subparagraph (2), applies retroactively to the
12 effective date of 2012 Iowa Acts, Senate File 2249.

13 Sec. 52. EFFECTIVE UPON ENACTMENT. The sections of this
14 division of this Act amending section 418.4, subsection
15 1, paragraph b, section 418.5, subsection 7, and section
16 418.9, subsection 2, paragraph g, being deemed of immediate
17 importance, take effect upon enactment.

18 Sec. 53. RETROACTIVE APPLICABILITY. The sections of this
19 division of this Act amending section 418.4, subsection 1,
20 paragraph b, section 418.5, subsection 7, and section 418.9,
21 subsection 2, paragraph g, apply retroactively to the effective
22 date of 2012 Iowa Acts, Senate File 2217.

23 Sec. 54. EFFECTIVE UPON ENACTMENT. The section of this
24 division of this Act amending section 515I.1, subsection
25 2, being deemed of immediate importance, takes effect upon
26 enactment.

27 Sec. 55. RETROACTIVE APPLICABILITY. The section of this
28 division of this Act amending section 515I.1, subsection 2,
29 applies retroactively to the effective date of 2012 Iowa Acts,
30 House File 2145.